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DIRECTOR OFFICE
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DECISION
ON PETITION

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In re Application of:
Neerav N. DALAL
Application No. 09/212,852
Filed: December 16, 1998
For: UNIFIED ARCHITECTURE FOR CDMA
NETWORK AND METHOD OF OPERATION

This is a response to the Petition to Withdraw Notice of Abandonment, filed October 27, 2004. The petition is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment. Petitioner has provided evidence by way of a date stamped post card receipt showing the petition was originally received on March 17, 2003.

The petition is granted.

This application became abandoned for failure to timely file a response to the Office action mailed July 25, 2002, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed on February 20, 2003.

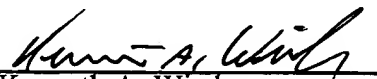
Petitioner alleges to have timely filed a response to the Office action on December 19, 2002. To support this position, Petitioner has included with the instant petition a copy of the response bearing a proper certificate of facsimile transmission with a transmission date of December 19, 2002.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the response. It is noted that the checks for \$400 for two months extension of time and \$366 for additional claims have not been credited to the instant application. Accordingly, the above fees will be charged to applicant's Deposit Account No. 50-0208 as authorized. From there, the file will be forwarded to the examiner for consideration in due course.


Kenneth A. Wieder
Special Program Examiner
Technology Center 2600, Communications